

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

| | | |
|------------------------------|---|------------------------------------|
| SOVERAIN SOFTWARE LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| CDW CORPORATION, NEWEGG |) | Civil Action No. 6:07-CV-00511-LED |
| INC., REDCATS USA, INC., |) | |
| SYSTEMAX INC., ZAPPOS.COM, |) | |
| INC., REDCATS USA, L.P., THE |) | |
| SPORTSMAN'S GUIDE, INC., and |) | |
| TIGERDIRECT, INC., |) | |
| |) | |
| Defendants. |) | |
| |) | |

**NEWEGG'S UNOPPOSED MOTION TO ENTER SUBSTITUTE
STATEMENT OF UNDISPUTED MATERIAL FACTS**

Defendant Newegg, Inc. (Newegg) hereby moves the Court to enter the attached substitute Statement of Undisputed Material Facts to replace the previously filed Statement of Undisputed Material Facts (Dkt. No. 221-2), which was filed on August 17, 2009 in support of Newegg's Motion for Summary Judgment concerning the validity and effective filing date of the '639 Patent.

Certain inadvertent errors contained in the originally filed Statement of Undisputed Material Facts (Dkt. No. 221-2) have recently come to the attention of Newegg. The attached substitute Statement of Undisputed Material Facts merely corrects these errors. Counsel for Soverain has agreed not to oppose Newegg's present Motion.

WHEREFORE, Newegg respectfully moves that the Court enter the attached substitute Statement of Undisputed Material Facts.

Dated: August 28, 2009

Respectfully submitted,

/s/ Trey Yarbrough

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Certificate of Service

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 28, 2009. All other counsel of record will be served via facsimile or first class mail.

/s/ Trey Yarbrough

Trey Yarbrough